

United States District Court
FOR THE
NORTHERN DISTRICT OF CALIFORNIA
VENUE: SAN FRANCISCO

FILED

Nov 04 2021

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

UNITED STATES OF AMERICA,
V.

ROGELIO BELLOSO ALEMAN,
ET AL.

DEFENDANT(S).

INDICTMENT

18 U.S.C. § 1962(d) – Racketeering Conspiracy;
18 U.S.C. § 1959(a)(5) – Attempted Murder in Aid of Racketeering;
18 U.S.C. § 1959(a)(3) – Assault With a Dangerous Weapon in Aid of
Racketeering;
18 U.S.C. § 924(c) – Discharge of a Firearm During and in Furtherance of a
Crime of Violence;
18 U.S.C. § 2 – Aiding and Abetting
18 U.S.C. §§ 924(d) and 1963 – Forfeiture Allegation

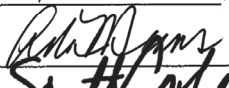
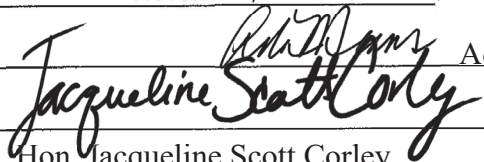
A true bill.

/s/ Foreperson of the Grand Jury

Foreman

Filed in open court this 4th day of

November, 2021.

 Ada Means
Clerk

Hon. Jacqueline Scott Corley
Bail, \$ No Bail

FILED

Nov 04 2021

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

- (1) ROGELIO BELLOSO ALEMAN,
a/k/a "Smiley,"
- (2) EDWIN ALVARADO AMAYA,
a/k/a "Muerte,"
- (3) FERNANDO ROMERO BONILLA,
a/k/a "Black,"
- (4) KENNETH CAMPOS,
a/k/a "Nesio,"
- (5) EVERT GALDAMEZ CISNEROS,
a/k/a "Talentoso,"
- (6) LUIS VELIS DIAZ, a/k/a "Popa,"
- (7) BRIGIDO JOSUE GONZALES SALES,
a/k/a "Kiko," a/k/a "Inocente,"
- (8) ABNER MARROQUIN ALEGRIA,
a/k/a "Chapin," a/k/a "Coche,"
- (9) KEVIN REYES MELENDEZ,
a/k/a "Neutron,"
- (10) ELMER RODRIGUEZ,
a/k/a "Gordo,"
- (11) JOSE MARIA TERCERO PEREZ,
a/k/a "Delito,"
- (12) KEVIN RAMIREZ VALENCIA,
a/k/a "Delincuente," and
- (13) KEVIN GUATEMALA ZEPEDA,
a/k/a "Mision,"

Defendants.

CASE NO.: CR 19-0280 RS

VIOLATIONS:

- 18 U.S.C. § 1962(d) – Racketeering Conspiracy;
18 U.S.C. § 1959(a)(5) – Attempted Murder in Aid of Racketeering;
18 U.S.C. § 1959(a)(3) – Assault With a Dangerous Weapon in Aid of Racketeering;
18 U.S.C. § 924(c) – Discharge of a Firearm During and in Furtherance of a Crime of Violence;
18 U.S.C. § 2 – Aiding and Abetting
18 U.S.C. §§ 924(d) and 1963 – Forfeiture Allegation

UNDER SEAL

SECOND SUPERSEDING INDICTMENT

The Grand Jury charges, with all dates being approximate and inclusive, that at all times relevant to this Second Superseding Indictment:

Introductory Allegations

1. *La Mara Salvatrucha*, hereafter “MS-13,” was and is a gang composed primarily of persons of El Salvadorian descent. It operated in various countries, including El Salvador and the United States. Within the United States, it operated in the Northern District of California.

2. MS-13 is a transnational criminal organization with over 10,000 members regularly conducting gang activities in at least twenty states and the District of Columbia, as well as in other nations, including Mexico, Honduras, Guatemala, and El Salvador. In the United States, MS-13 is one of the largest street gangs. It has been active in this country since the 1980s, when it originated in Los Angeles, California. Since then, MS-13 has spread to other cities in California, including San Francisco, Santa Cruz, Richmond, and Daly City, and across the country to other states, including Virginia, Maryland, New York, Tennessee, North Carolina, and Texas.

3. MS-13 is organized into “cliques,” that is, smaller groups which typically operate in a specific city or region. MS-13 cliques are grouped into “programs,” with each program having a “program leader” overseeing multiple cliques. MS-13 cliques – including those within the same program – sometimes work together cooperatively to engage in criminal activity and to assist one another in, among other things, avoiding detection by law enforcement. Individual cliques, including MS-13 20th Street, have their own set of rules; however, they also operate under the umbrella rules of MS-13.

4. Leaders of individual MS-13 cliques are sometimes called “shot callers” or “*El Palabrero*.” Above the clique leaders are the program leaders and the gang leaders, some of whom are incarcerated in the United States and in El Salvador, and who convey their orders through, among other means, the use of cellular telephones that are brought into prisons. The leaders of MS-13 resolve disputes between gang members, address organizational issues, and participate in significant gang decisions, such as whether to authorize the killing of members of rival gangs, and of MS-13 gang

1 members, associates, and other individuals suspected of cooperating with law enforcement or otherwise
2 breaking MS-13 rules.

3 5. "MS-13 20th Street" is a clique claiming territory in the Mission District of San
4 Francisco. The gang claims the corridor along Mission Street between 15th Street to the north and 21st
5 Street to the south, and Church Street to the west and South Van Ness Avenue to the east. Mission
6 Playground lies at the center of the gang's claimed territory. MS-13 20th Street also claims Dolores
7 Park and Bryant Square Park (sometimes called Franklin Square Park). The gang seeks to maintain
8 control of drug distribution in its turf. Among other things, the gang's members engage in the sale of
9 narcotics, robbery, extortion, and other violent crimes (including murder). In the commission of these
10 crimes, and for defense, MS-13 20th Street members use guns, knives, and other weapons.

11 6. ROGELIO BELLOSO ALEMAN, a/k/a "Smiley," served as the Treasurer of the clique
12 at least as early as 2016. ELMER RODRIGUEZ, a/k/a "Gordo," was the shot caller of MS-13 20th
13 Street until his arrest in late 2017. BELLOSO ALEMAN and EVERT GALDAMEZ CISNEROS, a/k/a
14 "Talentoso," individually served as the shot callers at various points in time in 2018 and 2019 following
15 RODRIGUEZ's arrest.

16 7. Some members of MS-13 signify their membership and association with tattoos depicting
17 devil horns or the "Santa Muerte," or reading "MARA SALVATRUCHA," "MS," "MS-13," "503"
18 (representing the El Salvador country code), "20" (for 20th Street clique), or similar words and symbols,
19 often written in Gothic lettering. Not all MS-13 members bear such tattoos. The colors blue, black, and
20 white are often used as symbols of MS-13 and members often wear clothing with these colors bearing
21 the number "13" or a combination of numbers adding up to 13, or which features horns, such as clothing
22 bearing the logo of the NBA franchise the Chicago Bulls. Also, MS-13 members sometimes mark their
23 territory through the use of graffiti with the letters "MS" or other shorthand references to MS-13, as well
24 as clique-specific graffiti like "20th Street." MS-13 members often refer to one another by their gang
25 monikers or other nicknames, and may not in fact know the real names of their fellow gang members.

26 8. In order to join MS-13, recruits undergo an initiation process composed of various stages,
27 during which the recruit is referred to alternatively as a "*paro*," or "*chequeo*." Each step requires the
28 completion of certain activities – usually crimes – that allow the recruit to demonstrate his allegiance to

1 the gang, its rules, and its ethos. After the last stage, the recruit may be invited to become a full-member
2 of the gang, known as a “homeboy” or “homie.” This last stage includes a “jumping-in” ceremony,
3 during which the recruit is beaten by other gang members for 13 seconds.

4 9. Members of MS-13 20th Street are expected to protect the name, reputation, and status of
5 the gang from rival gang members and other persons. Members of the MS-13 20th Street require that all
6 individuals show respect and deference to the gang and its membership. To protect the gang and to
7 enhance its reputation, MS-13 20th Street members are expected to use any means necessary to force
8 respect from those who show disrespect, including acts of intimidation and violence.

9 10. In the San Francisco area, the principal rivals to MS-13 20th Street are the various
10 Norteño gangs. MS-13 20th Street has been, and continues to be, engaged in violence against Norteños;
11 similarly, Norteños engage in violence against rival gang members, including MS-13. Indeed, one of
12 the rules common to both gangs is that members of each side are expected to attack members of the
13 other side. The more brazen the attack, the greater the respect that is given to the attacker by fellow
14 gang members. As a result, innocent bystanders have been injured and even killed simply for being in
15 the wrong place at the wrong time during a gang attack, for being in the physical presence of a gang
16 member, or for being mistaken for a rival gang member (based, for instance, on the mere color of their
17 apparel).

18 11. Members of MS-13 20th Street engage in criminal activity, including acts involving
19 murder, narcotics distribution, assault, robbery, and obstruction of justice by threatening and
20 intimidating fellow gang members and others whom they believe to be cooperating with law
21 enforcement. Members of MS-13 20th Street are often required to commit acts of violence to maintain
22 membership and discipline within the gang, including violence against rival gang members or those they
23 perceive to be rival gang members, as well as MS-13 20th Street members and associates who violate
24 the gang’s rules (such as the rule against cooperating with law enforcement). As a result of MS-13 20th
25 Street members’ use of violence, innocent persons are sometimes injured or killed. Participation in
26 criminal activity by a member of MS-13 20th Street, particularly violent acts directed at rival gang
27 members or as ordered by the gang’s leadership, increases the level of respect accorded that member,
28

1 resulting in that member's maintaining or increasing his position in the gang, and possibly resulting in
2 recognition as a leader.

3 12. In addition to warring with rival gang members, MS-13 20th Street also uses violence
4 against its members to enforce gang rules. These rules include a prohibition against cooperating with
5 law enforcement in the investigation and prosecution of any criminal case, especially one involving
6 fellow gang members. Depending on the severity of the violation, the punishment can be death.

7 13. Members of MS-13 20th Street communicate about gang activities with other members of
8 MS-13 20th Street in San Francisco and elsewhere (including, for instance, El Salvador and Guatemala)
9 using landline telephones, mobile telephones, text messaging, email, social media applications, other
10 messaging applications (including encrypted applications), notes or "kites," and other modes of
11 communication.

12 The Racketeering Enterprise

13 14. MS-13 20th Street, including its leadership, members, and associates, in the Northern
14 District of California and elsewhere, constitutes an "enterprise" as defined in Title 18, United States
15 Code, Sections 1961(4) and 1959(b)(2), that is, a group of individuals associated in fact that was
16 engaged in, and the activities of which affected, interstate and foreign commerce. The enterprise
17 constitutes an ongoing organization whose members functioned as a continuing unit that had a common
18 purpose of achieving the objectives of the enterprise.

19 Purposes of the Enterprise

20 15. The purposes of MS-13 20th Street include, but are not limited to, the following:

21 a. Preserving and protecting the power, territory, reputation, and profits of the enterprise, its
22 members and associates, through the use of intimidation, violence, threats of violence, assaults, and
23 murder;

24 b. Promoting and enhancing the enterprise and the activities of its members and associates
25 through criminal acts, including, but not limited to, acts involving murder, narcotics trafficking, robbery,
26 assault, extortion, and other criminal activities;

27 c. Keeping victims, potential victims, and community members in fear of the enterprise and
28 its members and associates through violence and threats of violence;

1 d. Providing financial support and information to MS-13 20th Street members; and

2 e. Providing assistance to other MS-13 20th Street members who committed crimes for and
3 on behalf of the group, and to hinder, obstruct, and prevent law enforcement officers from identifying
4 the offenders, apprehending the offenders, and successfully prosecuting and punishing the offenders.

5 Means and Methods of the Enterprise

6 16. The means and methods by which the defendants and other members and associates of
7 MS-13 20th Street conducted and participated in the conduct of the affairs of MS-13 20th Street
8 included, but were not limited to:

9 a. The agreement that acts of violence, including acts involving murder, robbery, assault,
10 and extortion, as well as narcotics trafficking, would be committed by members and associates when it
11 suited the enterprise's purpose. The targets of the murders, attempted murders, and assaults included
12 perceived rivals found both in the gang's territory and in rival territory, as well as gang members
13 believed to have violated gang rules. Gang members committed strong-arm robberies employing a show
14 of force, with weapons and superior numbers. The gang sold various drugs, including marijuana and
15 cocaine, in gang territory. The gang extorted money from various individuals, including street drug
16 dealers in the Tenderloin District of San Francisco.

17 b. The agreement that members and associates of the enterprise would purchase, possess,
18 maintain, use, and circulate firearms for use in criminal activity by members and associates of the
19 enterprise. The gang sought to raise money through various means in part to buy firearms and
20 ammunition for use by gang members. The gang maintained a store of firearms, including the 12-gauge
21 shotgun used in the November 26, 2017 attempted murder; the 9mm semiautomatic pistol used in the
22 September 16, 2016, attempted murder; the .38 Special caliber revolver also used in the September 16,
23 2016, attempted murder; the .380-caliber AMT Back-up semiautomatic pistol used in the March 17,
24 2017 murder; the .40-caliber "ghost gun" semiautomatic pistol fired by an enterprise member on April
25 20, 2019 and later seized by police from another enterprise member on May 7, 2019; and the 9mm
26 semiautomatic pistol used in the February 13, 2018 murder.

27 c. Discussing, among other things, the membership and rules of MS-13 20th Street; the
28 status of MS-13 20th Street members in the enterprise; the disciplining of MS-13 20th Street members;

1 MS-13 20th Street members' encounters with law enforcement; plans and agreements regarding the
2 commission of future crimes, including murder, extortion, narcotics trafficking, illegal possession of
3 firearms, robbery, and assault, as well as ways to conceal these crimes; and the enforcement of the rules
4 of MS-13 20th Street. Gang meetings took place at various locations, including Dolores Park and
5 Mission Playground, both which are in the Mission District of San Francisco.

6 d. Committing and agreeing to commit acts of violence against those who would do harm to
7 MS-13 20th Street, its members, and others when it suited the enterprise's purposes. This included
8 disciplining enterprise members and associates when it suited the enterprise's purposes. It also included
9 threatening or assaulting members of the community in the territory over which the gang sought control.

10 e. Using landline telephones, mobile telephones, text messaging, email, social media
11 applications, other messaging applications, notes or "kites," and other modes of communication, to plan
12 and commit crimes on behalf of the enterprise, including murder, extortion, narcotics trafficking, illegal
13 possession of firearms, robbery, assault, and other crimes, and to conceal these criminal activities by
14 obstructing justice, threatening or intimidating witnesses, and other means. Members of the gang also
15 sought to raise the gang's public profile and promote its influence by posting photographs on social
16 media of gang members displaying gang signs, and by vandalizing public and private property with gang
17 graffiti.

18 17. MS-13 20th Street, through its members and associates, engaged in racketeering activity,
19 as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), that is, multiple acts
20 indictable under Title 18, United States Code, Sections 1503 (relating to obstruction of justice), 1512
21 (relating to tampering with a witness, a victim, or an informant), and 1951 (relating to interference with
22 commerce, robbery, or extortion); multiple offenses involving dealing in controlled substances, in
23 violation of Title 21, United States Code, Sections 841(a)(1) and 846; multiple acts and threats involving
24 murder, in violation of California Penal Code, Sections 187, 188, 189, 182, 31, 21a, 664, 653f; and
25 multiple acts and threats involving robbery, in violation of California Penal Code Sections 211, 212,
26 212.5, 213, 182, 21a, 664, 653f; and 31.

27 //

28 //

1 COUNT ONE: (18 U.S.C. § 1962(d) – Conspiracy to Conduct the Affairs of an Enterprise
2 Through a Pattern of Racketeering Activity)

3 The Racketeering Conspiracy

4 18. The allegations contained in paragraphs 1 through 16 of this Second Superseding
5 Indictment are repeated and realleged as though fully set forth herein.

6 19. Beginning on a date unknown to the Grand Jury, but no later than 2013, and continuing
7 up through and including the present, in the Northern District of California and elsewhere, the
8 defendants,

9 ROGELIO BELLOSO ALEMAN, a/k/a “Smiley,”

10 EDWIN ALVARADO AMAYA, a/k/a “Muerte,”

11 FERNANDO ROMERO BONILLA, a/k/a “Black,”

12 KENNETH CAMPOS, a/k/a “Nesio,”

13 LUIS VELIS DIAZ, a/k/a “Popa,”

14 EVERT GALDAMEZ CISNEROS, a/k/a “Talentoso,”

15 BRIGIDO JOSUE GONZALES SALES, a/k/a “Kiko,” a/k/a “Inocente,”

16 ABNER MARROQUIN ALEGRIA, a/k/a “Chapin,” a/k/a “Coche,”

17 KEVIN REYES MELENDEZ, a/k/a “Neutron,”

18 ELMER RODRIGUEZ, a/k/a “Gordo,”

19 JOSE MARIA TERCERO PEREZ, a/k/a “Delito,”

20 KEVIN RAMIREZ VALENCIA, a/k/a “Delincuente,”

21 KEVIN GUATEMALA ZEPEDA, a/k/a “Mision,”

22 together with others known and unknown to the Grand Jury, each being a person employed by and
23 associated with MS-13 20th Street, an enterprise engaged in, and the activities of which affected,
24 interstate and foreign commerce, unlawfully, knowingly, and willfully did conspire to violate Title 18,
25 United States Code, Section 1962(c), that is to conduct and participate, directly and indirectly, in the
26 conduct of the affairs of MS-13 20th Street through a pattern of racketeering activity, as defined in Title
27 18, United States Code, Sections 1961(1) and (5), which pattern of racketeering activity consisted of:

28 a. multiple acts and threats involving murder, in violation of California Penal Code Sections

187, 188, 189, 182, 31, 21a, 664, 653f; and robbery, in violation of California Penal Code Sections 211, 212, 212.5, 213, 182, 21a, 664, 653f; and 31;

b. multiple acts indictable under Title 18, United States Code, Sections 1503 (relating to obstruction of justice), 1512 (relating to tampering with a witness, a victim, or an informant), and 1951 (relating to interference with commerce, robbery, or extortion);

c. multiple offenses involving dealing in controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1) and 846.

It was part of the conspiracy that each defendant agreed that a conspirator would commit at least two acts of racketeering activity in the conduct of the affairs of the enterprise.

Overt Acts in Furtherance of the Conspiracy

20. On or about September 16, 2016, KEVIN REYES MELENDEZ, a/k/a “Neutron,” ROGELIO BELLOSO ALEMAN, a/k/a “Smiley,” and other enterprise members participated in a “hunt” for rival gang members. Near 21st and Hampshire Streets in San Francisco, REYES MELENDEZ and another enterprise member fired approximately eight shots in an attempt to murder victim C.G., whom they suspected of being a rival gang member.

21. On or about October 27, 2016, KENNETH CAMPOS, a/k/a “Nesio,” and others assaulted three victims outside the Prita Hotel on Mission Street in San Francisco, after demanding to know whether they were rival gang members.

22. On or about March 17, 2017, enterprise members present at Beauty Bar on Mission Street in San Francisco identified victim J.M. as a suspected gang rival. At the direction of ELMER RODRIGUEZ, a/k/a “Gordo,” enterprise members kept watch on J.M.’s movements, and an enterprise member then murdered J.M. outside Beauty Bar, using a .380-caliber AMT Back-up semiautomatic pistol. ROGELIO BELLOSO ALEMAN, a/k/a “Smiley,” KENNETH CAMPOS, a/k/a “Nesio,” EVERT GALDAMEZ CISNEROS, a/k/a “Talentoso,” and other enterprise members known and unknown to the Grand Jury were present at the Beauty Bar at the time of the murder.

23. On or about May 25, 2017, enterprise members including ELMER RODRIGUEZ, a/k/a “Gordo,” EDWIN ALVARADO AMAYA, a/k/a “Muerte,” and KENNETH CAMPOS, a/k/a “Nesio,” transported victim G.A., another enterprise member who they believed had violated the gang’s rules, to

1 Bernal Heights in San Francisco. There, EDWIN ALVARADO AMAYA, a/k/a "Muerte," acting at the
2 direction of ELMER RODRIGUEZ, a/k/a "Gordo," murdered G.A. with numerous blows from a bladed
3 weapon like a machete. CAMPOS then drove the enterprise members away from the murder scene.

4 24. On or about November 26, 2017, ELMER RODRIGUEZ, a/k/a "Gordo," and other
5 enterprise members, including EDWIN ALVARADO AMAYA, a/k/a "Muerte," and KENNETH
6 CAMPOS, a/k/a "Nesio," attempted to extort street drug dealers in the Tenderloin District of San
7 Francisco. RODRIGUEZ produced a shotgun during the extortion incident, during which victim J.E.
8 was shot in the chest at close range with a 12-gauge shotgun.

9 25. On or about November 30, 2017, EDWIN ALVARADO AMAYA, a/k/a "Muerte,"
10 ELMER RODRIGUEZ, a/k/a "Gordo," and KENNETH CAMPOS, a/k/a "Nesio," and at least one other
11 enterprise member, were near 24th Street and Potrero Avenue in San Francisco. There, EDWIN
12 ALVARADO AMAYA, a/k/a "Muerte," and another enterprise member attacked and attempted to
13 murder victim R.L., whom they believed to be a gang rival.

14 26. On or about February 13, 2018, enterprise members including JOSE MARIA TERCERO
15 PEREZ, a/k/a "Delito," KEVIN REYES MELENDEZ, a/k/a "Neutron," KEVIN GUATEMALA
16 ZEPEDA, a/k/a "Mision," and FERNANDO ROMERO BONILLA, a/k/a "Black," encountered victim
17 G.R. in the Mission District in San Francisco. They identified G.R. as a gang rival. ABNER
18 MARROQUIN ALEGRIA, a/k/a "Chapin," a/k/a "Coche," subsequently drove REYES MELENDEZ,
19 TERCERO PEREZ, and G.R. to the parking lot of the Gray Whale Cove trail in Pacifica. Once there,
20 REYES MELENDEZ and TERCERO PEREZ attacked and murdered victim G.R. with a machete-like
21 weapon and a 9mm firearm, after which MARROQUIN ALEGRIA drove them away from the murder
22 scene. Afterward, GUATEMALA ZEPEDA drove ROMERO BONILLA to the crime scene, where
23 they removed a portable music device which the group of assailants feared might contain potentially
24 incriminating evidence.

25 27. On or about April 20, 2018, enterprise members JOSE MARIA TERCERO PEREZ, a/k/a
26 "Delito," KEVIN REYES MELENDEZ, a/k/a "Neutron," and BRIGIDO JOSUE GONZALES SALES,
27 a/k/a "Kiko," a/k/a "Inocente," encountered victim R.F. in the Mission District of San Francisco.
28 Believing that R.F. was a rival gang member, they attempted to murder him near South Van Ness

1 Avenue and Adair Street in San Francisco.

2 28. On or about May 27, 2018, ROGELIO BELLOSO ALEMAN, a/k/a "Smiley,"
3 KENNETH CAMPOS, a/k/a "Nesio," and KEVIN REYES MELENDEZ, a/k/a "Neutron," assaulted
4 victim E.P. after learning that he had grown up in rival gang territory in San Francisco.

5 29. On or about January 24, 2019, KEVIN GUATEMALA ZEPEDA, a/k/a "Mision,"
6 EVERT GALDAMEZ CISNEROS, "Talentoso," FERNANDO ROMERO BONILLA, a/k/a "Black,"
7 BRIGIDO JOSUE GONZALES SALES, a/k/a "Kiko," a/k/a "Inocente," and another enterprise
8 associate, threatened and assaulted a family across the street from Mission Playground in the Mission
9 District of San Francisco.

10 30. On or about April 6, 2019, LUIS VELIS DIAZ, a/k/a "Popa," and other enterprise
11 members participated in the assault and stabbing of victim A.R, whom they suspected of being a rival
12 gang member, near the intersection of 16th and Albion Streets in the Mission District of San Francisco.

13 31. On or about April 20, 2019, BRIGIDO JOSUE GONZALES SALES, a/k/a "Kiko" or
14 "Inocente," fired a .40-caliber "ghost gun" semiautomatic pistol in the vicinity of Sanchez and 19th
15 Streets in San Francisco at a vehicle occupied by suspected gang rivals. LUIS VELIS DIAZ, a/k/a
16 "Popa," possessed this same pistol on May 7, 2019.

17 32. On or about July 29, 2019, enterprise members assaulted victims T.G. and J.M., whom
18 they believed to be associated with a rival gang, with a glass bottle and knives in the vicinity of 19th and
19 Lexington Streets in the Mission District of San Francisco. During the assault, an enterprise member
20 robbed one of the victims of her cell phone.

21 33. On or about August 6, 2019, near Mission Playground in the Mission District of San
22 Francisco, enterprise members assaulted and stabbed victim C.O.G., after demanding to know whether
23 he was a rival gang member.

24 34. On or about August 12, 2019, numerous enterprise members, including KEVIN
25 RAMIREZ VALENCIA, a/k/a "Delincuente," assaulted victims A.G. and P.G. outside Little Star Pizza
26 restaurant near the intersection of 15th and Valencia Streets in the Mission District of San Francisco.
27 Multiple enterprise members used weapons during the assault.

28 //

1 NOTICE OF SPECIAL SENTENCING FACTORS FOR COUNT ONE

2 Number 1: Attempted Murder of Victim C.G.

3 35. On or about September 16, 2016, in the Northern District of California, defendants,
4 KEVIN REYES MELENDEZ, a/k/a “Neutron,” and
5 ROGELIO BELLOSO ALEMAN, a/k/a “Smiley,”
6 knowingly, intentionally and willfully, with deliberation and premeditation, and with malice
7 aforethought, attempted to kill victim C.G., in violation of California Penal Code Sections 187, 188,
8 189, 31, 21a, and 664.

9 Number 2: Murder of Victim J.M.

10 36. On or about March 17, 2017, in the Northern District of California, the defendant,
11 ELMER RODRIGUEZ, a/k/a “Gordo,”
12 together with others known and unknown to the Grand Jury, unlawfully, willfully and intentionally, with
13 deliberation and premeditation, and with malice aforethought, killed victim J.M., in violation of
14 California Penal Code Sections 187, 188, 189, 653f, and 31.

15 Number 3: Murder of Victim G.A.

16 37. On or about May 25, 2017, in the Northern District of California, the defendants,
17 EDWIN ALVARADO AMAYA, a/k/a “Muerte,”
18 KENNETH CAMPOS, a/k/a “Nesio,” and
19 ELMER RODRIGUEZ, a/k/a “Gordo,”
20 together with others known and unknown to the Grand Jury, unlawfully, willfully and intentionally, with
21 deliberation and premeditation, and with malice aforethought, killed victim G.A., in violation of
22 California Penal Code Sections 187, 188, 189, 653f, and 31.

23 Number 4: Attempted Murder of Victim J.E.

24 38. On or about November 26, 2017, in the Northern District of California, the defendant,
25 ELMER RODRIGUEZ, a/k/a “Gordo,”
26 together with others known and unknown to the Grand Jury, knowingly, intentionally and willfully, with
27 deliberation and premeditation, and with malice aforethought, attempted to kill victim J.E., and aided
28 and abetted the same, in violation of California Penal Code Sections 187, 188, 189, 31, 21a, and 664.

Number 5: Attempted Murder of Victim R.L.

39. On or about November 30, 2017, in the Northern District of California, the defendant,
EDWIN ALVARADO AMAYA, a/k/a “Muerte,”
together with others known and unknown to the Grand Jury, knowingly, intentionally and willfully, with
deliberation and premeditation, and with malice aforethought, attempted to kill victim R.L., in violation
of California Penal Code Sections 187, 188, 189, 31, 21a, and 664.

Number 6: Murder of Victim G.R.

40. On or about February 18, 2018, in the Northern District of California, the defendants,
ABNER MARROQUIN ALEGRIA, a/k/a “Chapin,” a/k/a “Coche,”
KEVIN REYES MELENDEZ, a/k/a “Neutron,”
JOSE MARIA TERCERO PEREZ, a/k/a “Delito,” and
KEVIN GUATEMALA ZEPEDA, a/k/a “Mision,”
together with others known and unknown to the Grand Jury, unlawfully, willfully and intentionally, with
deliberation and premeditation, and with malice aforethought, killed victim G.R., in violation of
California Penal Code Sections 187, 188, 189, 653f, and 31.

Number 7: Attempted Murder of R.F. on April 20, 2018

41. On or April 20, 2018, in the Northern District of California, the defendants,
BRIGIDO JOSUE GONZALES SALES, a/k/a “Kiko,” a/k/a “Inocente,”
KEVIN REYES MELENDEZ, a/k/a “Neutron,” and
JOSE MARIA TERCERO PEREZ, a/k/a “Delito,”
together with others known and unknown to the Grand Jury, knowingly, intentionally and willfully, with
deliberation and premeditation, and with malice aforethought, attempted to kill R.F., in violation of
California Penal Code Sections 187, 188, 189, 31, 21a, and 664.

All in violation of Title 18, United States Code, Section 1962(d).

COUNT TWO: (18 U.S.C. §§ 1959(a)(5) and 2 – Attempted Murder in Aid of Racketeering)

42. The allegations contained in paragraphs 1 through 17 of this Second Superseding
Indictment are repeated and realleged as though fully set forth herein.

43. On or about September 16, 2016, in the Northern District of California, for the purpose of

gaining entrance to and maintaining and increasing position in MS-13 20th Street, an enterprise engaged in racketeering activity, the defendant,

KEVIN REYES MELENDEZ, a/k/a “Neutron,”
together with others known and unknown to the Grand Jury, aided and abetted each by the others, unlawfully, knowingly, and willfully attempted to murder victim C.G., in violation of California Penal Code Sections 187, 188, 189, 31, 21a, and 664.

All in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.

COUNT THREE: (18 U.S.C. § 924(c) – Discharge of a Firearm in Furtherance of a Crime of Violence)

44. On or about September 16, 2016, in the Northern District of California, the defendant,

KEVIN REYES MELENDEZ, a/k/a “Neutron,”
did knowingly carry, use, brandish, and discharge a firearm, that is, an Arminius .38 Special caliber Titan Tiger six-shot revolver bearing serial number 0100837, during and in relation to the Attempted Murder in Aid of Racketeering charged in Count Two of this Second Superseding Indictment, and did knowingly possess said firearm in furtherance of the Attempted Murder in Aid of Racketeering charged in Count Two of this Second Superseding Indictment.

All in violation of Title 18, United States Code, Section 924(c)(1)(A).

COUNT FOUR: (18 U.S.C. §§ 1959(a)(3) and 2 – Assault With a Dangerous Weapon in Aid of Racketeering)

45. The allegations contained in paragraphs 1 through 17 of this Second Superseding Indictment are repeated and realleged as though fully set forth herein.

46. On or about October 27, 2016, in the Northern District of California, for the purpose of gaining entrance to and maintaining and increasing position in MS-13 20th Street, an enterprise engaged in racketeering activity, the defendant,

KENNETH CAMPOS, a/k/a “Nesio,”
together with others known and unknown to the Grand Jury, aided and abetted each by the others, did unlawfully and knowingly assault victim J.C. with a dangerous weapon, to wit, shoes, in violation of California Penal Code Sections 245(a)(1) and 31.

1 All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

2 COUNT FIVE: (18 U.S.C. §§ 1959(a)(5) and 2 – Attempted Murder in Aid of Racketeering)

3 47. The allegations contained in paragraphs 1 through 17 of this Second Superseding
4 Indictment are repeated and realleged as though fully set forth herein.

5 48. On or about November 26, 2017, in the Northern District of California, for the purpose of
6 gaining entrance to and maintaining and increasing position in MS-13 20th Street, an enterprise engaged
7 in racketeering activity, the defendant,

8 ELMER RODRIGUEZ, a/k/a “Gordo,”

9 together with others known and unknown to the Grand Jury, aided and abetted each by the others,
10 unlawfully, knowingly, and willfully attempted to murder victim J.E. in violation of California Penal
11 Code Sections 187, 188, 189, 31, 21a, and 664.

12 All in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.

13 COUNT SIX: (18 U.S.C. §§ 924(c) and 2 – Discharge of a Firearm in Furtherance of a Crime of
14 Violence)

15 49. On or about November 26, 2017, in the Northern District of California, the defendant,

16 ELMER RODRIGUEZ, a/k/a “Gordo,”

17 did knowingly carry, use, brandish, and discharge a firearm, that is, a shotgun, during and in relation to
18 the Attempted Murder in Aid of Racketeering charged in Count Five of this Second Superseding
19 Indictment, and did knowingly possess said firearm in furtherance of the Attempted Murder in Aid of
20 Racketeering charged in Count Five of this Second Superseding Indictment, and did aid and abet all of
21 the same.

22 All in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.

23 COUNT SEVEN: (18 U.S.C. §§ 1959(a)(5) and 2 – Attempted Murder in Aid of Racketeering)

24 50. The allegations contained in paragraphs 1 through 17 of this Second Superseding
25 Indictment are repeated and realleged as though fully set forth herein.

26 51. On or about November 30, 2017, in the Northern District of California, for the purpose of
27 gaining entrance to and maintaining and increasing position in MS-13 20th Street, an enterprise engaged
28 in racketeering activity, the defendant,

EDWIN ALVARADO AMAYA, a/k/a "Muerte,"

together with others known and unknown to the Grand Jury, aided and abetted each by the others, unlawfully, knowingly, and willfully attempted to murder victim R.L., in violation of California Penal Code Sections 187, 188, 189, 31, 21a, and 664.

All in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.

COUNT EIGHT: (18 U.S.C. §§ 1959(a)(5) and 2 – Attempted Murder in Aid of Racketeering)

52. The allegations contained in paragraphs 1 through 17 of this Second Superseding Indictment are repeated and realleged as though fully set forth herein.

53. On or about April 20, 2018, in the Northern District of California, for the purpose of gaining entrance to and maintaining and increasing position in MS-13 20th Street, an enterprise engaged in racketeering activity, the defendants,

BRIGIDO JOSUE GONZALES SALES, a/k/a "Kiko," a/k/a "Inocente,"

KEVIN REYES MELENDEZ, a/k/a "Neutron," and

JOSE MARIA TERCERO PEREZ, a/k/a "Delito,"

together with others known and unknown to the Grand Jury, and aided and abetted each by the others, unlawfully, knowingly, and willfully attempted to murder victim R.F., in violation of California Penal Code Sections 187, 188, 189, 31, 21a, and 664.

All in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.

COUNT NINE: (18 U.S.C. §§ 1959(a)(3) and 2 – Assault With a Dangerous Weapon in Aid of Racketeering)

54. The allegations contained in paragraphs 1 through 17 of this Second Superseding Indictment are repeated and realleged as though fully set forth herein.

55. On or about May 27, 2018, in the Northern District of California, for the purpose of gaining entrance to and maintaining and increasing position in MS-13 20th Street, an enterprise engaged in racketeering activity, the defendants,

ROGELIO BELLOSO ALEMAN, a/k/a "Smiley,"

KENNETH CAMPOS, a/k/a "Nesio," and

KEVIN REYES MELENDEZ, a/k/a "Neutron,"

1 together with others known and unknown to the Grand Jury, and aided and abetted each by the others,
 2 did unlawfully and knowingly assault victim E.P. with a dangerous weapon, to wit, at least one object
 3 capable of causing puncture wounds, in violation of California Penal Code Sections 245(a)(1) and 31.

4 All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

5 COUNT TEN: (18 U.S.C. §§ 1959(a)(3) and 2 – Assault With a Dangerous Weapon in Aid of
 6 Racketeering)

7 56. The allegations contained in paragraphs 1 through 17 of this Second Superseding
 8 Indictment are repeated and realleged as though fully set forth herein.

9 57. On or about January 24, 2019, in the Northern District of California, for the purpose of
 10 gaining entrance to and maintaining and increasing position in MS-13 20th Street, an enterprise engaged
 11 in racketeering activity, the defendants,

12 FERNANDO ROMERO BONILLA, a/k/a “Black,”

13 EVERT GALDAMEZ CISNEROS, a/k/a “Talentoso,”

14 BRIGIDO JOSUE GONZALES SALES, a/k/a “Kiko,” a/k/a “Inocente,” and

15 KEVIN GUATEMALA ZEPEDA, a/k/a “Mision,”

16 together with others known and unknown to the Grand Jury, and aided and abetted each by the others,
 17 did unlawfully and knowingly assault victims J.T., K.B., and E.R. with a dangerous weapon, to wit, a
 18 firearm, knives, and shoes, in violation of California Penal Code Sections 245(a)(1) and 31.

19 All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

20 COUNT ELEVEN: (18 U.S.C. §§ 1959(a)(3) and 2 – Assault With a Dangerous Weapon in
 21 Aid of Racketeering)

22 58. The allegations contained in paragraphs 1 through 17 of this Superseding Indictment are
 23 repeated and realleged as though fully set forth herein.

24 59. On or about April 6, 2019, in the Northern District of California, for the purpose of
 25 gaining entrance to and maintaining and increasing position in MS-13 20th Street, an enterprise engaged
 26 in racketeering activity, the defendant,

27 LUIS VELIS DIAZ, a/k/a “Popa,”

28 together with others known and unknown to the Grand Jury, aided and abetted each by the others, did

1 unlawfully and knowingly assault victim A.R. with a dangerous weapon, to wit, a bladed weapon, in
2 violation of California Penal Code Sections 245(a)(1) and 31.

3 All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

4 COUNT TWELVE: (18 U.S.C. §§ 1959(a)(3) and 2 – Assault With a Dangerous Weapon in
5 Aid of Racketeering)

6 60. The allegations contained in paragraphs 1 through 17 of this Superseding Indictment are
7 repeated and realleged as though fully set forth herein.

8 61. On or about August 12, 2019, in the Northern District of California, for the purpose of
9 gaining entrance to and maintaining and increasing position in MS-13 20th Street, an enterprise engaged
10 in racketeering activity, the defendant,

11 KEVIN RAMIREZ VALENCIA, a/k/a “Delincuenta,”
12 together with others known and unknown to the Grand Jury, aided and abetted each by the others, did
13 unlawfully and knowingly assault victims A.G. and P.G. with a dangerous weapon, to wit, shoes, a
14 cooler, a broom handle, a metal stick, and a machete, in violation of California Penal Code Sections
15 245(a)(1) and 31.

16 All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

17 FORFEITURE ALLEGATION: (18 U.S.C. §§ 924(d), 1963; 28 U.S.C. § 2461(c))

18 62. The factual allegations contained in Counts One through Twelve of this Second
19 Superseding Indictment are hereby realleged and by this reference fully incorporated herein for the
20 purpose of alleging forfeiture pursuant to the provisions of 18 U.S.C. §§ 924(d) and 1963, and 28 U.S.C.
21 § 2461(c).

22 63. Upon conviction of the offense alleged in Count One of this Second Superseding
23 Indictment, the defendants,

24 ROGELIO BELLOSO ALEMAN, a/k/a “Smiley,”

25 EDWIN ALVARADO AMAYA, a/k/a “Muerte,”

26 FERNANDO ROMERO BONILLA, a/k/a “Black,”

27 KENNETH CAMPOS, a/k/a “Nesio,”

28 EVERT GALDAMEZ CISNEROS, a/k/a “Talentoso,”

1 LUIS VELIS DIAZ, a/k/a "Popa,"

2 BRIGIDO JOSUE GONZALES SALES, a/k/a "Kiko," a/k/a "Inocente,"

3 ABNER MARROQUIN ALEGRIA, a/k/a "Chapin," a/k/a "Coche,"

4 KEVIN REYES MELENDEZ, a/k/a "Neutron,"

5 ELMER RODRIGUEZ, a/k/a "Gordo,"

6 JOSE MARIA TERCERO PEREZ, a/k/a "Delito,"

7 KEVIN RAMIREZ VALENCIA, a/k/a "Delincuente," and

8 KEVIN GUATEMALA ZEPEDA, a/k/a "Mision,"

9 shall forfeit to the United States, pursuant to 18 U.S.C. § 1963: (1) any interest the defendants have
10 acquired or maintained in violation of 18 U.S.C. § 1962; (2) any interest in, security of, claim against, or
11 property or contractual right of any kind affording a source of influence over; any enterprise which the
12 defendant has established, operated, controlled, conducted or participated in the conduct of, in violation
13 of 18 U.S.C. § 1962; and (3) any property (including real property and things growing thereon, affixed
14 thereto and found in land, and any tangible and intangible personal property including rights, privileges,
15 interests, claims, and securities), constituting or derived from any proceeds which the defendants
16 obtained directly or indirectly from racketeering activity in violation of 18 U.S.C. § 1962.

17 64. Upon conviction of the offenses alleged in Counts Three or Six,

18 KEVIN REYES MELENDEZ, a/k/a "Neutron," and

19 ELMER RODRIGUEZ, a/k/a "Gordo,"

20 shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), any firearm or
21 ammunition involved in or used in any knowing violation of 18 U.S.C. § 924(c), including an Arminius
22 .38 Special caliber Titan Tiger six-shot revolver bearing serial number 0100837, and a 12-gauge shotgun
23 fired at victim J.E.

24 65. If any of the property described above, as a result of any act or omission of the defendant:

- 25 a. cannot be located upon the exercise of due diligence;
- 26 b. has been transferred or sold to or deposited with, a third person;
- 27 c. has been placed beyond the jurisdiction of the Court;
- 28 d. has been substantially diminished in value; or

1 e. has been commingled with other property which cannot be divided without
2 difficulty;

3 any and all interest the defendants have in any other property (not to exceed the value of the above
4 forfeitable property) shall be forfeited to the United States, pursuant to 18 U.S.C. § 1963(m).


5 All pursuant to 18 U.S.C. §§ 924(d) and 1963, and 28 U.S.C. § 2461(c), and Rule 32.2 of the
6 Federal Rules of Criminal Procedure.

7
8 DATED: 11-04-2021

A TRUE BILL.

9
10 /s/
FOREPERSON

11
12 STEPHANIE M. HINDS
Acting United States Attorney

13
14 
15 ASEEM P. PADUKONE
16 LINA PENG
17 ANDREW M. SCOBLE
Assistant United States Attorneys